

REMARKS

In light of the above amendments and following remarks, reconsideration and allowance of this application are respectfully requested.

At paragraph 2 of the Office Action under reply, the Examiner objects to claim 42 as missing the word “of.” Applicants have amended claim 42 as suggested by the Examiner to cure this typographical omission. Applicants request that this objection to claim 42 be withdrawn.

At paragraphs 4-23 of the outstanding office action the Examiner rejects claims 22, 25-40 and 43-44 under 35 USC 102(e) as being anticipated by Zink et al. (US Patent No. 6,738,964). Applicants respectfully traverse the rejection.

Of the rejected claims, claims 22, 31 and 32 are the independent claims being prosecuted in this divisional application. While Applicants believe the recitations in the claims as originally presented to be clear, nonetheless, Applicants have amended each of the independent claims to particularly recite that the processing sequence (or processing web) is specifically employed “for implementation and control of a processing apparatus”, and therefore “whereby said processing sequence for implementation and control of said processing apparatus is modified in accordance with the editing of said at least one processing element” in the processing web. (See, for example, amended claim 22). The invention does not present an abstract computer model that allows a user merely to simulate an actual processing system. Rather, as is set forth in the specification as filed and in the independent claims, this processing web **actually controls** a physical apparatus. Changes to the processing web are translated into **actual** functional changes of processing taking place in an actual physical apparatus.

In Zink et al., however, this is not the case. As is set forth in the Abstract of Zink et al., the invention comprises,

A graphical solutions development system using placement of blocks representing hardware/software functionality on a computer screen drawing and connecting the blocks by wires representing data and control flow to create application programs or hardware design. The blocks are instances of development components that include intelligence for optimization within a detected environment. This permits effective programming of digital signal processors and system design by users not expert in digital signal programming and system design.

Therefore, the system of Zink et al. is for use in a development process. While the blocks provided for manipulation may represent a potentially used hardware component, there is no functioning hardware system that the processing web controls. Thus, rather than allowing for processing web based software control of a hardware system, as in the claimed invention, Zink et al. merely provides a hardware simulation environment where potential connections and designs can be tried out. There is no teaching in any of the portions of Zink et al. cited by the Examiner that discusses the applicability of the generated software environment controlling a *functioning hardware environment*.

Because Zink et al. fails to teach each and every limitation of independent claim 22, as well as independent claims 31 and 32 which include limitations similar to those noted above with respect to claim 22, Applicants respectfully request that the rejection of these claims be withdrawn. Applicants further submit that claims 25-30, 33-40 and 43-44 depend, either directly or indirectly, from one of the independent claims noted above, and are therefore allowable for this reason alone. Additionally, each of these claims presents an independently patentable combination in its own right. Applicants therefore respectfully request that the rejection of claims 22, 25-40 and 43-44 under 35 USC 102(e) be withdrawn.

At paragraphs 25-27 of the Office Action the Examiner rejects claims 23 and 24 under 35 USC 103(a) as being unpatentable over Zink et al. in view of Wilson et al. (US Patent No. 5,400,246). Applicants respectfully traverse the invention.

Claims 23 and 24 depend, either directly or indirectly from independent claim 22, and are therefore allowable for this reason alone. Additionally, each of these claims presents an independently patentable combination in its own right. The addition of Wilson et al. fails to cure the defects of Zink et al. noted above. Applicants therefore respectfully request that the rejection of claims 23 and 24 under 35 USC 103(a) be withdrawn.

At paragraphs 28-30 of the Office Action the Examiner rejects claims 41 and 42 under 35 USC 103(a) as being unpatentable over Zink et al. in view of Horst et al. (US Patent No. 5,384,906). Applicants respectfully traverse the invention.

Claims 41 and 42 depend, either directly or indirectly from independent claim 32, and are therefore allowable for this reason alone. Additionally, each of these claims presents an independently patentable combination in its own right. The addition of Horst et al. fails to cure the defects of Zink et al. noted above. Applicants therefore respectfully request that the rejection of claims 41 and 42 under 35 USC 103(a) be withdrawn.

CONCLUSION


Statements appearing above in respect to the disclosures in the cited references represent the present opinions of the undersigned attorney and, in the event the Examiner disagrees with any of such opinions, it is respectfully requested that the Examiner specifically indicate those portions of the references providing the basis for a contrary view.

Applicants have made a diligent effort to place claims 22-44 in condition for allowance, and notice to this effect is earnestly solicited. If the Examiner is unable to issue a Notice of Allowance at this time, it is respectfully requested that the Examiner contact the undersigned attorney to discuss any further outstanding issues.

Early and favorable consideration are respectfully requested.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

Respectfully submitted,
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